

June 28, 2005



## **TRANSCRIPT**

**June 28, 2005**

### **MONTGOMERY COUNTY COUNCIL**

#### **PRESENT**

Thomas Perez, President  
Phil Andrews  
Howard Denis  
Marilyn J. Praisner

George Leventhal, Vice President  
Michael Knapp  
Nancy Floreen  
Steven A. Silverman  
Michael Subin



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Council President Perez:

Good morning. Dr. Dean Ahmed, oh, there you are. Good morning, thank you for coming from the Islamic Society of Washington area. We will begin. Thank you for your presence.

Dr. Ahmed:

Thank you.

In the name of God the most gracious the most merciful, all praise belongs to God, the Lord and the cherisher of the worlds. The most gracious, the most merciful, the master of the day of judgment, thee do we worship and thine aid we seek. Show us the straight way, the way of those on whom thou hast bestowed thy grace, those whose portion is not wrath and who go not astray. Most merciful Lord we thank you for the blessings of this democratic society. We ask you to guide these Council members whom we have entrusted to govern our affairs. Grant them the wisdom to understand in consultation with the people they govern, what is in the interest of the people of Montgomery County. Grant them the courage to do what is right and just even without regard with their own interests. Bless them and all the people of Montgomery County with success. You are the divine legislator in the affairs of human kind as in the operations of the heavens and the earth. May thy will be done.

Council President Perez:

Thank you.

Good morning. We had a couple proclamations that we're deferring, one was the Quince Orchard High School baseball team and the other, Victory Tower, we're going to defer those -- but hold on. We're going to do a few presentations for Mosquito Awareness Week. Here we go. Mr. Leventhal, take it away.

Councilmember Leventhal:

I'm feeling very aware of mosquitoes today.

Council President Perez:

Dr. Tillman, come on up. All right. We care because we love.

Councilmember Andrews:

We have some performance artists up here.

Council President Perez:

That was very good by the way.



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1 Councilmember Leventhal  
2 This is a serious issue, but.

3  
4 Council President Perez:  
5 You practiced this morning. I'm very impressed.

6  
7 Councilmember Leventhal  
8 This is a problem that really bugs me and I'm itching to offer this proclamation this  
9 morning.

10 Mosquito Awareness Week.

11 Okay. There are some very serious issues associated with mosquitoes and this is the  
12 season for them, and we appreciate the leadership of our Health Department in making  
13 sure that everyone is aware of public health threats like this one and so we're offering this  
14 joint proclamation, the Executive and Council this morning, and it states that "Whereas  
15 mosquito-borne diseases, including malaria, yellow fever, encephalitis, and West Nile  
16 Virus have historically been a source of human and animal suffering, illness and death in  
17 the United States" -- what is this? I can't see it. What is it? Added protection.

18 I need netting. I need mosquito netting.

19 "In the United States and worldwide, and whereas an excess number of mosquitoes  
20 diminishes our enjoyment of the outdoors, public parks and playgrounds, hinders outdoor  
21 work, decreases livestock productivity, and reduces property values, and whereas the  
22 Asian Tiger, a day biting mosquito, and other non-invasive species are being found in  
23 Montgomery County and whereas public awareness and the cooperation of all residents  
24 plays an important role in the control and prevention of diseases spread by mosquito  
25 populations now therefore do we, Douglas M. Duncan, County Executive, and Thomas E.  
26 Perez, County Council President, hereby proclaim the week of June 26 to July 2, 2005 as  
27 Mosquito Awareness Week in Montgomery County, residents should take steps to  
28 eliminate mosquito breeding areas around the home and community". Dr. Tillman, would  
29 you like to make a few remarks?

30  
31 Dr. Tillman:

32 Yes. We thank you very much for this proclamation. It is important for all Montgomery  
33 residents to realize that July through September is the peak outdoor season, It's also the  
34 peak season for high activity of mosquitoes. There are some simple things you can do to  
35 prevent the spread of mosquitoes and putting yourself at risk for West Nile and other  
36 infections and that is to make sure you eliminate areas of standing water around your  
37 home and your property. So if you've got old tires or anything that collects water, make  
38 sure you drain that water. If you're going to be out in parks, camps or biking, you want to  
39 wear protective clothing and a mosquito repellent. 25 to 30% DEET is effective against  
40 mosquitoes as well as ticks. There are some newer products out there, you need to  
41 carefully read the labels, but realize those newer products give you less duration of  
42 effectiveness so DEET is your safest bet. But we thank you for making this proclamation.

43  
44 Councilmember Leventhal:  
45 Thank you, Dr. Tillman.



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1  
2 Marilyn, good to see you. Thank you. Thank you for your good work increasing public  
3 awareness of the various health threats in our community.  
4 Thank you. Here we go. We need a giant size mosquito to pose behind us.  
5 You know, I have one I could have brought it.  
6 Yeah, we should have brought it. Very good. Okay. Thank you. This is why I ran for  
7 public office.

8  
9 .Council President Perez:

10 .District Council says. We're getting to that in a little while.

11 Keep the bugs --

12 This is all for District Council.

13 Okay. Ms. Lauer, announcement and agenda and calendar changes.

14  
15 Clerk Lauer

16 No changes this week, thank you.

17  
18 Council President Perez:

19 Okay. Very effective presentation.

20 How did we do that?

21 Approval of minutes, Madam Clerk?

22  
23 Clerk:

24 You have the minutes of May 11, 13, 18 and 26, for approval today.

25  
26 Councilmember Subin:

27 Move approval.

28  
29 Council President Perez:

30 Seconded? All is in favor.

31 Unanimous among those present. Receipt of petitions. I don't know that there are any  
32 petitions today. Is that correct? Okay. Yeah, none. Okay. Well, then let's move to the  
33 consent calendar.

34  
35 Councilmember Praisner:

36 Move Approval.

37  
38 Council President Perez:

39 Moved and seconded. Mr. Andrews.

40  
41 Councilmember Andrews:

42 Thank you, Mr. President. I wanted to commend all those who are being appointed today  
43 and confirmed today to the various commissions and committees and to recognize and  
44 thank Gloria Aparicio and Brad Davis for their willingness to serve on these commissions.



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1 Council President Perez:

2 Okay. No other lights, all those in favor. Unanimous among those present. Moving right  
3 along to the District Council session. Zoning Text Amendment 05-07, Parking Facilities  
4 Country Inn Zone. Let me turn to the distinguished Chair of the PHED Committee.

5  
6 Councilmember Silverman:

7 Thank you, Mr. President. That committee unanimously endorsed the codification issue  
8 that is enclosed in ZTA 05-07 that is report.

9  
10 Councilmember Praisner:

11 One more time.

12  
13 Council President Perez:

14 Very effective.

15  
16 Councilmember Silverman:

17 If at first you don't succeed. Try, try, try, and try.

18  
19 Councilmember Praisner:

20 You'd think we had 101 countries.

21  
22 Council President Perez:

23 Right. Madam Clerk, please call the roll.

24  
25 Clerk:

26 Mr. Denis

27  
28 Councilmember Denis:

29 Yes.

30  
31 Clerk:

32 Ms. Floreen

33  
34 Councilmember Floreen:

35 Yes.

36  
37 Clerk:

38 Mr. Silverman

39  
40 Councilmember Silverman:

41 Yes.

42  
43 Clerk:

44 Mr. Knapp

45 \



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1 Councilmember Knapp:  
2 Yes.

3  
4 Clerk:  
5 Mr. Andrews

6  
7 Councilmember Andrews:  
8 Yes.

9  
10  
11 Clerk:  
12 Ms. Praisner

13  
14 Councilmember Praisner;  
15 Yes.

16  
17 Clerk:  
18 Mr. Leventhal

19  
20 Councilmember Leventhal:  
21 Yes.

22  
23 Clerk  
24 Mr. Perez

25  
26 Council President Perez:  
27 Yes.

28 Passes 8-0. Legislative session, approval of legislative journals for general approval.  
29 None. Okay. No bills to introduce. Call bills for final reading. Bill 13-05 Special Capital  
30 Improvements project, Sixth District police station. Let me turn to Mr. Andrews.

31  
32 Councilmember Andrews:  
33 Sure. This is a bill that's required because the cost of the facilities that are listed here as  
34 special capital improvement projects exceeds the minimal level required by that law. The  
35 Sixth District police station is a much needed facility that will allow the Sixth District to be  
36 served by a full service station that can accommodate all the various services are needed  
37 in such a station and it is moving forward as quickly as we can so that we can have it in  
38 place within about three years. So that is the first bill, 13-05. Likewise, I'll mention, let me  
39 mention the Judicial Center while I'm at it. The Judicial Center Annex is a facility that  
40 really is needed now. We're moving forward with that as quickly as we can as well. And it  
41 is something that will allow the expansion of the courts to proceed as expected over the  
42 next 15 to 20 years.

43  
44 Council President Perez:



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1 Great. And Mr. Silverman, I don't know if you wanted to mention the White Oak  
2 Community Center, 15-05.

3  
4 Councilmember Silverman:  
5 We support it.

6  
7 Council President Perez:  
8 We support it. Very well. The Council of the, the brevity council today. We like that.

9  
10 Okay. So why don't we, we have to do separate votes I guess on these three bills, so we'll  
11 start with 13-05 the Sixth District police station.

12  
13 Clerk:  
14 Mr. Denis

15  
16 Councilmember Denis:  
17 Yes.

18  
19 Clerk:  
20 Ms. Floreen

21  
22 Councilmember Floreen:  
23 Yes.

24  
25 Clerk:  
26 Mr. Silverman

27  
28 Councilmember Silverman:  
29 Yes.

30  
31 Clerk:  
32 Mr. Knapp

33  
34 Councilmember Knapp:  
35 Yes.

36  
37 Clerk:  
38 Mr. Andrews

39  
40 Councilmember Andrews:  
41 Yes.

42  
43 Clerk:  
44 Ms. Praisner



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1 Councilmember Praisner:  
2 Yes.

3  
4 Clerk:  
5 Mr. Leventhal

6  
7 Councilmember Leventhal:  
8 Yes.

9  
10 Clerk:  
11 Mr. Perez

12  
13 Council President Perez:  
14 Yes.  
15 Bill passes 8-0. Bill 14-05.

16  
17 Clerk:  
18 Mr. Denis

19  
20 Councilmember Denis:  
21 Yes.

22  
23 Clerk:  
24 Ms. Floreen

25  
26 Councilmember Floreen:  
27 Yes.

28  
29 Clerk:  
30 Mr. Silverman

31  
32 Councilmember Silverman:  
33 Yes.

34  
35 Clerk:  
36 Mr. Knapp

37  
38 Councilmember Knapp:  
39 Yes.

40  
41 Clerk:  
42 Mr. Andrews

43  
44 Councilmember Andrews:  
45 Yes.





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1  
2 Clerk:  
3 Ms. Praisner  
4  
5 Councilmember Praisner:  
6 Yes.  
7  
8 Clerk:  
9 Mr. Leventhal  
10  
11 Councilmember Leventhal:  
12 Yes.  
13  
14 Clerk:  
15 Mr. Perez  
16  
17 Council President Perez:  
18 Yes.  
19 8-0 again. 15-05 White Oak.  
20  
21 Clerk:  
22 Mr. Denis  
23  
24 Councilmember Denis:  
25 Yes.  
26  
27 Clerk:  
28 Ms. Floreen  
29  
30 Councilmember Floreen:  
31 Yes.  
32  
33 Clerk:  
34 Mr. Silverman  
35  
36 Councilmember Silverman:  
37 Yes.  
38  
39 Clerk:  
40 Mr. Knapp  
41  
42 Councilmember Knapp:  
43 Yes.  
44  
45 Clerk:



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1 Mr. Andrews

2  
3 Councilmember Andrews:

4 Yes.

5  
6 Clerk:

7 Ms. Praisner

8  
9 Councilmember Praisner:

10 Yes.

11  
12 Clerk:

13 Mr. Leventhal

14  
15 Councilmember Leventhal:

16 Yes.

17  
18 Clerk:

19 Mr. Perez

20  
21 Council President Perez:

22 Yes.

23 Bill passes 8-0. Let's turn to Agenda Item Number Seven. I'll turn it the distinguished  
24 chair of the T&E Committee to talk about junk. Junk dealers, junk yards.

25  
26 Councilmember Silverman:

27 Does this include junkyard dogs?

28  
29 Council President Perez:

30 No, that's the public hearing next week.

31 Mr. Andrews will be chairing.

32  
33 Councilmember Floreen:

34 Thank you, Mr. President. Well, it has been brought to our attention that for once there's  
35 legislation that we do not need because we have so effectively addressed these concerns  
36 everywhere else. And so it is with great reluctance that the T&E Committee recommends  
37 that we step back from our legislative work and say we can repeal something. And  
38 basically the Bill 6-05 is to repeal the law requiring junk dealers and junk yards to be  
39 licensed. It's basically obsolete because it's addressed through a myriad of other  
40 environmental regulations. Great.

41  
42 Council President Perez:

43 Madam Clerk, please call the roll.

44  
45 Clerk:



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1 Mr. Denis

2  
3 Councilmember Denis:

4 Yes.

5  
6 Clerk:

7 Ms. Floreen

8  
9 Councilmember Floreen:

10 Yes.

11  
12 Clerk:

13 Mr. Silverman

14  
15 Councilmember Silverman:

16 Yes.

17  
18 Clerk:

19 Mr. Knapp

20  
21 Councilmember Knapp:

22 Yes.

23  
24 Clerk:

25 Mr. Andrews

26  
27 Councilmember Andrews:

28 Yes.

29  
30 Clerk:

31 Ms. Praisner

32  
33 Councilmember Praisner:

34 Yes.

35  
36 Clerk:

37 Mr. Leventhal –

38  
39 Councilmember Leventhal:

40 Yes.

41  
42 Clerk:

43 Mr. Perez

44  
45 Council President Perez:

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for its form or content. Please note that errors and/or omissions may have occurred.**



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1 Yes. Okay. Passes 8-0. Let's turn to expedited Bill 11-05, Collective Bargaining,  
2 Corrections Department Sergeants.

3  
4 To the distinguished chair of the MFP Committee who turns to the lead member for  
5 personnel.

6  
7 Councilmember Praisner:  
8 Equally distinguished.

9  
10 Council President Perez:  
11 Everybody's distinguished.

12  
13 Councilmember Denis:  
14 Thanks for putting me in, Coach. Appreciate it. Expedited Bill 11-05 was introduced at  
15 the request of the County Executive on April 26. It would include the 44 Uniformed  
16 Correctional Department Sergeants in the collective bargaining unit. A hearing was held  
17 on June 14. There was no opposition expressed at the time of the hearing, however, a  
18 petition was submitted in opposition to the legislation. As Staff pointed out in the packet,  
19 however, there was an error in the body of the petition so far as characterizing the facts of  
20 the legislation and as reflected in today's packet, the provision that is complained of  
21 would not affect the duties or status of a supervisor including the Sergeants. When we  
22 had the work session before the Management Fiscal Policy Committee on June 20, in  
23 response to question that I asked, it turns out that there were authorization cards signed  
24 by 68% of the affected employees. Authorization cards are a device that is called for  
25 under the National Labor Relations Board. Their standards do not bind employers,  
26 including governments, but they are generally followed for the purpose of consistency and  
27 so that there will be established procedures. And under the NLRB procedures, if 30% of  
28 those affected sign authorization cards or what are sometimes call expression of interest  
29 cards, the employer can decide to have an election. If 50% or more of the affected  
30 employees sign authorization cards, the employer can declare that the bargaining unit is  
31 expanded to that extent. And that, in fact, is what has happened here. At the Committee  
32 meeting we requested a third-party verification of the authorization cards and again, as a  
33 procedure for that under the NLRB, so a labor relations administrator whose name is  
34 Andrew Strongin checked out the authorization cards and concluded that over 50% had  
35 been signed. The evidence of the testimony was 68%, but you need have verification for  
36 only 50% or more. So the committee approval of the legislation was contingent upon the  
37 third-party verification and the third-party verification has been received. So with that  
38 background, the Committee voted unanimously to support the legislation.

39  
40 Council President Perez:  
41 Okay. Did you want to, well, why don't we just do this and we'll turn to the next one.  
42 Okay. No lights. So Madam Clerk, please call roll.

43  
44 Clerk:  
45 Mr. Denis



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1  
2 Councilmember Denis:  
3 Yes.  
4  
5 Clerk:  
6 Ms. Floreen  
7  
8 Councilmember Floreen  
9 Yes.  
10  
11 Clerk:  
12 Mr. Silverman  
13  
14 Councilmember Silverman:  
15 Yes.  
16  
17 Clerk:  
18 Mr. Knapp  
19  
20 Councilmember Knapp:  
21 Yes.  
22  
23 Clerk:  
24 Mr. Andrews  
25  
26 Councilmember Andrews:  
27 Yes.  
28  
29 Clerk:  
30 Ms. Praisner  
31  
32 Councilmember Praisner:  
33 Yes.  
34  
35 Clerk:  
36 Mr. Leventhal -  
37  
38 Councilmember Leventhal:  
39 Yes.  
40  
41 Clerk:  
42 Mr. Perez  
43  
44 Council President Perez:



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1 Yes. Bill passes 8-0. Expedited Bill 12-05 Personnel Salary Schedules. And the  
2 Committee recommends approval. Mr. Denis.

3  
4 Councilmember Denis:

5 Thank you, Mr. President. This item is linked to the next action item which deals with the  
6 regulation itself so I'll be sliding back and forth as we discuss this. Expedited Bill 12-05  
7 deals with the salary schedules for Uniformed Correctional Officers. It was introduced on  
8 May 26. The work session was on June 20. The public hearing was on June 21. We  
9 raised questions as to the juxtaposition of the work session and the hearing, and we were  
10 told that because this was not deemed controversial and, in fact, that has turned out to be  
11 the case I believe, that the timing of the work session and the hearing were established.  
12 But I think we expressed our view that to the fullest extent possible we should have the  
13 hearing before the worksession. This resolution does establish a new salary schedule for  
14 Uniformed Correctional Officers and it essentially is a housekeeping bill. It conforms the  
15 code to the budget which is usually a good idea. And it was in this case. We did accept  
16 the Staff recommendations to clarify that the Deputy Sheriff's salary schedule will apply to  
17 Deputy Sheriffs who are included in the bargaining unit, and I would also point out that the  
18 salaries schedule is retroactive to January 9, 2005. And the reason for that is that it  
19 includes a 2% longevity increase and that is the same date that Correctional Officers in  
20 the unit have become eligible for the 2% longevity increase, so it applies as well to the  
21 unrepresented. And that basically is it for the expedited bill. And as I say, the next action  
22 item deals with the resolution itself on the regulation.

23  
24 Council President Perez:

25 Okay. Madam clerk.

26  
27 Clerk:

28 Mr. Denis

29  
30 Councilmember Denis:

31 Yes.

32  
33 Clerk:

34 Ms. Floreen

35  
36 Councilmember Floreen:

37 Yes.

38  
39 Clerk:

40 Mr. Silverman

41  
42 Councilmember Silverman:

43 Yes.

44  
45 Clerk:



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1 Mr. Knapp

2  
3 Councilmember Knapp:

4 Yes.

5  
6 Clerk:

7 Mr. Andrews

8  
9 Councilmember Andrews:

10 Yes.

11  
12 Clerk:

13 Ms. Praisner

14  
15 Councilmember Praisner:

16 Yes.

17  
18 Clerk:

19 Mr. Leventhal

20  
21 Councilmember Leventhal:

22 Yes.

23  
24 Clerk:

25 Mr. Perez

26  
27 Council President Perez:

28 Yes. Bill passes 8-0. And finally resolution to approve FY '05 and '06 Salary Schedule for  
29 Uniformed Correctional Schedules. Mr. Denis.

30  
31  
32 Councilmember Denis:

33 Thank you, Mr. President. This regulation, as I mentioned, is linked to the previous bill  
34 that has now been adopted. It is essentially a housekeeping in following the collective  
35 bargaining agreement and other parts of the regulation apply to the unrepresented. For  
36 example, the automatic deposit of checks. We spent the time discussing the provision on  
37 domestic partners, and the Committee concluded that the language in Section 17-7b gave  
38 the CAO sufficient flexibility and the Committee did not see fit to make any changes in that  
39 area. Incentive pay is also included and the Committee recommended that since there  
40 were technical additions to the regulation that the regulation be reissued by the Executive  
41 as 19-04AM to indicate that it was, in fact, amended after transmittal to the Council. And  
42 I want to thank Kathleen Boucher for her great efforts on this regulation and on the  
43 previous bill.

44  
45 Council President Perez:



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1 Madam Clerk. I'm sorry, all those in favor. Mr. Subin had asked to be noted as voting in  
2 the affirmative on the previous matters that were before us. Yeah. That would be Agenda  
3 Items 3.

4  
5 Councilmember Leventhal:

6 Does that include the removal of the Chair of the Education Committee?  
7

8 Council President Perez:

9 Items 3, 4, 5, 6, 7, 8 and 9. So if you could record them.

10 And he'll be replaced by Al Haig I believe, under our chain of command.

11 Okay. So we are ready to turn to the OLO report. Apologize for being a little bit ahead  
12 but we, oh, Mr. Andrews.

13  
14 Councilmember Praisner:

15 I want to move to release the report. Yes.  
16

17 Councilmember Subin:

18 Second.  
19

20 Council President Perez:

21 Move to second. All those in favor. Mr. Andrews.  
22  
23

24 Councilmember Andrews:

25 Thank you. I just wanted to make an announcement while we're all here and that is, next  
26 Thursday, the Public Safety Committee is holding a public hearing for the purpose of  
27 seeking testimony on a proposal, the possibility of a proposal to require that dogs be  
28 leashed and we are seeking testimony on this because this was not part of the original bill  
29 and we wanted to make sure that we heard some testimony on this. As of now, we have  
30 not received any sign-ups for this testimony, for this public hearing and I want to make  
31 sure that the public is aware that Public Safety Committee is holding this public hearing  
32 next Thursday night, July 7 at 7:30 explicitly to seek testimony on this issue. So for those  
33 who are out there reporting about the Council, I hope that the word will get out to the  
34 public that there will be a public hearing next Thursday at 7:30 here by the Public Safety  
35 Committee to consider the possibility of a leash law for dogs.  
36

37 Councilmember Silverman:

38 Is it BYOD?  
39

40 Council President Perez:

41 If people don't show up, Mr. Andrews, no barking about what you do.  
42

43 Councilmember Andrews:





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1 Yeah. We will, of course, written testimony is appreciated, and people can submit  
2 testimony and not be here. But we hope that people will come to the public hearing and  
3 tell us what they think about the possibility of a leash law for dogs in Montgomery County.

4  
5 Council President Perez:

6 Thank you.

7  
8 Councilmember Andrews:

9 Thank you.

10  
11 Council President Perez:

12 Okay. The report has been released and let's turn to our friends and colleagues in OLO  
13 and remember that we have a new system here so you need to identify yourself for the  
14 record. And we have a colleague from MCPS who's joining us today. Why don't you  
15 come up just in case there are any questions?

16  
17 Scott Brown:

18 Hello. My name is Scott Brown from the County Council's Office of Legislative Oversight.

19  
20 Craig Howard:

21 Craig Howard from the Office of Legislative Oversight.

22  
23 Karen Yoskowitz:

24 Karen Yoskowitz from the Office of Legislative Oversight.

25  
26 Jody Leck

27 Jody Leck, Acting Associate Superintendent, Montgomery County Public Schools Office of  
28 Curriculum and Instructional Programs.

29  
30 Craig Howard:

31 Good morning, everybody. We're here this morning to present the highlights of OLO's  
32 report on an assessment of the MCPS' Language Assistant Services. Our presentation  
33 this morning will look at the scope of OLO's assignment, present data on MCPS' limited  
34 English proficient community, present findings on MCPS' Language Assistant Services,  
35 and present OLO's recommendations for Council action.

36 Under Federal and State law, MCPS must provide limited English proficient, or LEP  
37 students equal access to educational services. This requirement includes providing  
38 opportunities for parents to be involved in the education of their children. In terms of our  
39 assignment, the study focused on the ways the MCPS Staff communicate with and  
40 otherwise support LEP parents and students. Evaluating MCPS' English for Speakers of  
41 Other Languages, or ESOL, curriculum and other classroom-based activities was beyond  
42 the scope of our assignment. MCPS enrolled students assessed is limited English  
43 proficient into the ESOL program. ESOL students do not speak standard American  
44 English as their primary language and have difficulty to various extents, reading, writing,  
45 speaking, or understanding English. In FY '05 13,025 students are enrolled in ESOL,



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1 which represents 9% of MCPS' total enrollment and 44% of the total ESOL students in the  
2 state of Maryland. Each MCPS high school cluster enrolls ESOL students. The numbers  
3 in each range from 22 students in the Poolesville cluster to almost 1600 in the  
4 Montgomery Blair cluster. Also, the high schools clusters that make up the Down County  
5 consortium enroll 20% of MCPS' total students, but 35% of the MCPS ESOL population.  
6 This next slide shows all the countries of origin and primary languages spoken by the  
7 MCPS' ESOL students. While a little bit difficult to read, this slide does provide a sense of  
8 the multitude of countries and languages associated with MCPS LEP families. The text  
9 on the left shows ESOL students were born in 161 different countries, and as indicated in  
10 yellow, 41% were born in the United States. The text on the right shows ESOL students  
11 speak 144 different primary languages and again, indicated in yellow, 57% speak Spanish  
12 as their primary language and no other single language is spoken by more than 5% of  
13 ESOL students. This next slide presents data on free and reduced meals, or FARMS,  
14 eligibility and mobility rates. The left-hand set of blue and yellow bars shows FY '05  
15 FARMS eligibility for LEP and non-LEP students. FARMS eligibility is 54% for LEP  
16 students compared to 20% for non-LEP students. The right-hand set of blue and yellow  
17 bars shows FY '04 mobility rates. The mobility rate is 30% for LEP students, compared to  
18 14% for non-LEP students. Karen will now provide an overview of MCPS' Language  
19 Assistance strategies and the feedback OLO received from the school community.

20  
21 Karen Yoskowitz:

22 MCPS primarily utilizes four Language Assistance strategies to help LEP persons access  
23 MCPS programs and services. The first strategy is ESOL student support which includes  
24 bilingual counseling and educational assessments. The second strategy is multilingual  
25 parent outreach programs, intended to increase LEP parents' awareness and involvement  
26 in MCPS and other community services. The third strategy is providing oral interpretation  
27 and written translation services based on requests from individual school personnel or  
28 parents. The fourth strategy is telephone Language Assistance including an over the  
29 phone interpretation service. As part of our study we reviewed local research and  
30 solicited feedback from various members of the school community on how effectively  
31 MCPS communicates with LEP persons. OLO interviewed multiple MCPS Staff, LEP  
32 parents with the assistance of interpreters, and other community members interested in  
33 MCPS ESOL issues. Feedback indicates satisfaction with many of the programs and  
34 services MCPS provides for LEP students and parents. However, the feedback also  
35 points to opportunities for improvement. Several general themes and observations  
36 emerged during those meetings, and the five most recurring themes are: First, MCPS  
37 parent outreach Staff and ESOL student counselors communicate effectively with LEP  
38 families. Second, schools generally performed better providing interpretation and  
39 translation services for planned events than for unplanned events. Third, it is more  
40 difficult for LEP parents to access MCPS services if their children are not in ESOL  
41 programs. Fourth, the Language Assistance strategies utilized by MCPS vary by school.  
42 And fifth, similar to what you heard from the Council's Adult ESOL Task Force, English  
43 classes for LEP adults are important for communicating with parents.

44  
45 Scott Brown:

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1 Building on OLO's research and feedback we received from the school community, OLO  
2 provides three recommendations for Council action aimed at improving MCPS'  
3 communication and supportive services for LEP parents. Our first recommendation is that  
4 the Council request the Superintendent to develop a written MCPS policy to promote  
5 greater consistency across schools on the use of Language Assistant Services. The  
6 policy should identify available Language Assistant Services, establish procedures on the  
7 use of the services for unplanned events, set requirements for Staff training on when and  
8 how to use the services, and notify LEP parents about the availability of the services.  
9 Both County government and MCPS currently hold a contract with the same telephone  
10 interpretation services company. In order to take full advantage of potential economies of  
11 scale, our second recommendation is that the Council ask the Superintendent and the  
12 CAO to examine the feasibility and potential cost savings from a joint procurement of  
13 Language Assistant Services. If such a procurement is deemed beneficial then  
14 consideration should be given to inviting other County and bi-County agencies to  
15 participate. Our third and final recommendation is that the Council request the  
16 Superintendent to examine a number of specific improvement suggestions including  
17 increasing the availability of multi-lingual Staff, providing employee's access to and  
18 training on the use of telephone interpretation services, sending written material intended  
19 for parents in English and other languages, improving the process for obtaining feedback  
20 from LEP parents, and evaluating and expanding successful communication strategies  
21 used by individual schools. We recommend that the Superintendent first determine which  
22 improvements can be implemented with existing resources and then establish a priority  
23 order for implementing improvements that will require additional resources. And  
24 Education Committee work session for the report is scheduled for July 21. We would also  
25 like to take this opportunity to publicly thank the MCPS Staff that worked with us  
26 throughout the study program, especially Dr. Karen Woodson and her team of ESOL  
27 teachers, counsels and parents support Staff. Thank you.

28  
29 Council President Perez:  
30 Ms. Praisner.

31  
32 Councilmember Praisner:

33 Thank you very much. I had a couple of questions or comments. When you focused on  
34 LEP or ESOL students, you focused only on those enrolled in a LEP class, ESOL class. I  
35 wonder as we make progress with moving students out of LEP classes into regular  
36 programming classes, and, therefore, only ancillary support, if any, the issue of direction  
37 or interaction with parents becomes, I think as your report indicates, more of a challenge.  
38 At the same time, the goal of the ESOL program is to move the students out of ESOL. It  
39 reminds me to some extent of a corollary with special education where least restrictive  
40 environment would be infusion and inclusion might mean that a parent would also feel, in  
41 that situation, that they don't have as much interaction with Staff. Some of the strategies  
42 that have been used for the integration programs and initiatives with special education  
43 may have some value when we talk about moving out of an ESOL environment into a  
44 standard classroom environment as far as the parents are concerned, so I'd be interested  
45 in the School System's thoughts about that.



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1  
2 Having recently attended a, or observed a program for early childhood in Alexandria,  
3 where the result of the effectiveness of the program was that these were clearly potential  
4 ESOL students, but as a result of the effectiveness of that program, the students were not  
5 when they entered the Alexandria School System, entering into an ESOL classroom  
6 situation, that if one wanted to work aggressively on those kinds of efforts, that issue  
7 would have that same correlation in the future. So I think it's something we'd be interested  
8 in. Secondly, I had a question about MCPS and the way they are calculating mobility. In  
9 the past, it was my understanding that when a young person might go on extended  
10 absence from a school traditionally to travel with their parents, South America, that region,  
11 during the school year, those students are withdrawn from the school and then have to  
12 reregister at the school. So the mobility at the school is not a change in students, but a  
13 gap in instruction. Are we modifying the way we calculate mobility or are those students  
14 who don't necessarily change schools, and I don't want to diminish the impact from a  
15 stand point of the gap in instruction, but it's different than someone who's new to the  
16 school system completely. It's someone who stays at the same school, leaves for a  
17 period of time and then comes back. How are those captured as far as the mobility? Is  
18 the mobility rate still a function of anyone who enters and reregisters even if it's the same  
19 student at the same school?

20  
21 And thirdly, the strategies for successful schools suggestion is not unique again to the  
22 ESOL program. I can remember many times when the community members felt that we  
23 had not, whether in a pilot program or in an identification of programs or ideas that are  
24 successful, have a challenge in ensuring that those strategies are universally known  
25 within the school system. So while Staff has identified from OLO something that is good,  
26 very good suggestion, it's not unique again to the ESOL program. So I'd be anxious to  
27 know the extent to which we've made any efforts on that.

28  
29 Finally, while I think of many of the recommendations at the end relate to the CAO and the  
30 Superintendent working collectively together, and those are in many cases administrative  
31 issues, the suggestion that a policy be established, I hope, would be directed to the  
32 Board of Education which should set policy rather than the Superintendent.

33  
34 Thank you all very much. I'm anxious to hear what ever other comments come out of both  
35 the Education Committee meeting and the rest of the discussion today. This is an  
36 important issue as I think we all acknowledge, it's not just assistance in the ESOL  
37 classroom perspective, but from a family engagement role, the research is very clear that  
38 the more a family is involved and feels invited and participating in instruction and in the  
39 understanding of the school system, the better it is for all of us. I see this as further  
40 implementation of what should be an effective parent involvement policy. So it shouldn't  
41 matter whether folks need some language assistance or not.

42  
43 Council President Perez:  
44 Mr. Subin.



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1 Councilmember Subin:

2 I'm looking forward to hearing a full report in Committee. I think this is going to be one of  
3 the most valuable pieces that we've had. I just wanted to note the long-term support for  
4 these issues that Mrs. Praisner has shown and the cutting edge work that the Council  
5 President has shown since he got on the Council regarding the issues of ESOL and adult  
6 literacy.

7  
8 Council President Perez:

9 Thank you. Mr. Silverman.

10  
11 Councilmember Silverman:

12 Thank you, Mr. President. This is probably off topic but since you're all here, it's the same  
13 topic but not that precise. So here's my stupid question. If my son doesn't speak English  
14 and he enters first grade, could you tell me what he's getting in terms of services for his  
15 first grade class, how much time, and what is the expectation at which he would  
16 presumably be able to either speak or read English enough to have a reasonable shot at  
17 reading at grade level?

18 If you've got an answer now, but I'd like, he wants to know whether I want to take it up in  
19 Committee, that's fine, too. That would be fine.

20  
21 Councilmember Subin:

22 You could come up with much more detailed --

23  
24 Councilmember Silverman:

25 Yeah, sure.

26  
27 Councilmember Subin:

28 -- answer. I just have never had a, no, that's fine. That would be good.

29  
30 Councilmember Silverman:

31 I just never had a sense about, you know, when we talk about trying to get kids to read at  
32 grade level by the end of second grade what the deal is. And, you know, if it's an hour a  
33 day or two hours a week or whatever, how does that actually jive with what the goal is.  
34 Because last time I checked, we do continue to pass kids to the next grade whether, you  
35 know, whether they can read at grade level or not. So I would be happy to have the Ed  
36 Committee take it up.

37  
38 Councilmember Subin:

39 I'd like a detailed answer on that mapping all of that out. And were you using first grade  
40 as just an example?

41  
42 Councilmember Silverman:

43 Just hypothetically. I'm trying to understand what happens when kids get into our system,  
44 but I mean, K-5, whatever.



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1 Councilmember Subin:

2 K-5 would be more --Sure. Great. Okay.

3  
4 Council President Perez

5 It's interesting if you look at the, oh, Mr. Andrews. You had your light on. I'm sorry. Go  
6 ahead.

7  
8 Councilmember Andrews:

9 Thank you. Well thanks to OLO for another very comprehensive report. I'm still reading it  
10 but I wanted to note two charts there on Pages 20 and 21 that show why it's so important  
11 to pay special attention to children who have limited English proficiency and that is  
12 because if you look at the FARMS eligibility rate, which is the poverty measure, that  
13 means they're eligible for free and reduced meals, and look at the mobility rate in the chart  
14 that's across the page on Page 21, you'll see that there's a much higher eligibility rate for  
15 free and reduced meals among students that have limited English proficiency and there's  
16 also much higher mobility rate in terms of their movement during the school year. And so  
17 those are additional challenges that many of these students face which means the school  
18 system faces a tougher challenge as well because you have these three factors coming  
19 together in many cases. And that's a very significant correlation, and I appreciate your  
20 noting that as well in here, and some of the other charts as well that reinforce that. So  
21 good job.

22  
23 Council President Perez:

24 Mr. Denis.

25  
26 Councilmember Denis:

27 Thank you, Mr. President. And I too, am going to await the review before the Education  
28 Committee and I'll reserve a lot of my comments and questions until then, but I just  
29 wanted to thank you all for an outstanding report. And following the briefing in my office, I  
30 did request information that you supplied and I think it's very important as a supplement to  
31 what's in the document itself. And that is, that the Montgomery County's ESOL students  
32 apparently represent 44% of the state total. And I think that's a very dramatic figure, and  
33 one that we should impress upon the State at every opportunity as a County government  
34 and through our legislative delegation. Also, as mentioned in your report, you refer to  
35 interagency procurement, which I think is very important item. It's not clear to me if that's  
36 an education item or a Management of Fiscal Policy item. Whichever it is, it's fine with me  
37 because I'm on both Committees, but the cost saving potential of interagency  
38 procurement is something that we've discussed from time to time in many different areas,  
39 and I think it is very worthwhile pursuing because there could be substantial savings there.  
40 I'm also struck by the statistic that you mentioned on Page 16, that 40% of the students  
41 were born in the United States, of the ESOL students were born in the United States.  
42 This highlights for me that it may be necessary to have ESOL services for the parents, for  
43 some parents, as well as for the students to help them gain English language proficiency  
44 and to help them with any issues that they might have in navigating MCPS. So again, we  
45 thank you for an excellent report.



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1  
2 Council President Perez:

3 Your latter point, Mr. Denis, really bears repeating. If you look at the data, El Salvador is  
4 number two, and I believe the last time I looked at that statistic, it was something like  
5 maybe 10 or 12% so the United States is the birthplace by almost a factor of four from the  
6 next one, and what that statistic tells us is that the work Mr. Subin and others and Mrs.  
7 Praisner have been doing for decades on the issue of adult ESOL, that the Council  
8 continues to do, is critically important because parents have been here for a while and  
9 they're going to be here for a while. And they're not leaving because their children are  
10 American citizens. And so this is a challenge that has been with us for a while and will  
11 continue to be with us for a while. And when again, we talk about the trail of broken  
12 promises, it's noteworthy that the Bush administration proposed budget for FY '06  
13 proposes a 72% cut in adult education. 72% cut in adult education is proposed in the  
14 Federal budget for the upcoming year. That would translate to Montgomery County to a  
15 \$1 million loss of funding for adult education, adult literacy, and we already have,  
16 somewhere depending on which statistics you look at, there's somewhere between 2 and  
17 3,000 adults on waiting lists, they want to learn English. They know more than anybody  
18 that the ticket to self-sufficiency is learning English, and if these cuts go through, we are  
19 going to again, be left holding the bag and the bag continues to get heavier and heavier.  
20 Last week it was the issue of healthcare. Today we're talking about education. And  
21 again, a very compelling example of the challenges that lie ahead. One thing that this  
22 report certainly illustrates is that the challenges do not end when the students leave the  
23 ESOL population and enter the school population and I have remarkable faith and  
24 optimism in Dr. Weast and Chairman Subin and Chairman and President O'Neil and  
25 others' commitment to this issue. But that's one issue when you're in the committee Mr.  
26 Chairman, that I hope that we can have discussion of because it appears to me that once  
27 the students leave the ESOL setting that there appear to be some gaps in coverage and  
28 we need to come up with a plan to ensure that we address that because the, as you well  
29 know, Mr. Subin, far better than anybody on this Council, it's the teachers and the parents,  
30 not in that order, that are going to make a difference in children's lives, and this  
31 conversation we're having today is a conversation about parental involvement. You  
32 cannot have meaningful parental involvement if the parent is incapable of communicating.  
33 And when you overlay on that the cultural issues, in many countries of origin, if you're  
34 called into your children's school, your child has done a bad thing, and so we not only  
35 have to address the issue of language, we have to address the cultural challenges of  
36 parental engagement and so that double challenge of culture and language is something  
37 that I hope the Committee can take up when they take up this issue, because it's not only  
38 the challenges of the ESOL population while they're in the ESOL programs, but it's the  
39 challenges throughout once they graduate out and our kids are graduating out, and it's  
40 remarkable the data that that shows the progress that our ESOL students are making.  
41 There's a lot to be proud of in the data that we have from the school system. We have  
42 more ESOL kids entering kindergarten every year. It's 1900 this year, 1700 last year,  
43 something like 1500 the year before and yet our test scores are doing great among every  
44 population. So we're doing a lot of things right and yet there's also significant room for  
45 improvement. And so I look forward to Mr. Subin's leadership in the Committee taking up



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1 this report. When we did this as it related to other County functions, and Bruce Romer  
2 was here and Joe Beach is here today, I think that OLO process triggered a review and a  
3 very candid self-assessment of what we're doing well and where we have room for  
4 improvement, and as a result, I think we are much better situated today in County  
5 government to ensure that we're meeting the needs of limited English proficient users of  
6 human services, health and human services, DHCA, et cetera. And similarly, I'm  
7 confident that this process is going to put us in an even better situation and position in the  
8 MCPS context to do similar work. So I again take my hat off, if I had one on, to our  
9 colleagues at OLO and look forward to working with Mr. Subin to address these  
10 challenges which, some of which will be in the K-12 setting, but many of which are going  
11 to be a function of making sure that we continue to fight hard for adult education funding  
12 because the Governor refused to fund it in his last budget. The President wants to cut it.  
13 These are investments in our work force. You can't have, you can't compete in the global  
14 economy if you don't have a educated and trained work force, and this is basic work force  
15 investment. You can't close the gap and raise the bar if you're not investing in adult  
16 literacy, and I don't understand, it's a pretty simple concept. I don't quite get why our  
17 President and our Governor don't get that. But that's a different question. Mr. Subin.

18  
19 Councilmember Subin:

20 Thanks, Mr. President. I just want to note that my father was frequently called in to school  
21 and every time he was called in, it was because I did something wrong.

22 I do appreciate what you've said and how you've tied together the issue of the adults and  
23 the children because it's a given that if the children are non-English speakers that the  
24 adults are, and the parents are losing the role as parents in helping their children get  
25 educated. And all too frequently what happens is there are role reversals where the  
26 children go to the doctor with their parents, and in many cases are doing the translating to  
27 say you have some fatal disease or there's something seriously wrong. I think what we're  
28 seeing is, we're going from a sorely inadequate funding for No Child Left Behind to every  
29 adult being left behind. And what I'd like OLO and the study group to do when they come  
30 into Committee is see how that lack of funding, or that reduction in funding, is going to  
31 assess your recommendations here in terms of the role that the parents are playing and  
32 try to see how we are going to be able to bring the parents back to their traditional role.

33  
34 Councilmember President Perez:

35 Okay. Did any of our other colleagues have anything they wanted to say in response?  
36 Our OLO colleagues have spoken. Anyone else?

37  
38 Judy Leck:

39 I'd just like to say that we appreciate the recommendations very much. We share your  
40 concerns. The report did state once a student exits ESOL services there is a need there  
41 to continue those. So we appreciate the report. We appreciate the recommendations that  
42 are given to us and we look forward to continuing to work with you on them.

43  
44 Council President Perez:





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1 Thank you. Anyone else? All set. Okay. Great. Well, I'm sorry that we ended the  
2 morning early. Mr. Subin is going to tap dance on the table like he did after the budget  
3 again. So he's been practicing. That's why that one item is broken there.

4  
5 Councilmember Praisner  
6 Move very far out of the way.

7  
8 Councilmember Subin:  
9 Can I have this dance with you, Mr. President?

10  
11 Council President Perez:  
12 Only if you lead.

13  
14 Councilmember Subin:  
15 I'll lead.  
16